

17175 U.S. PTO  
040104

Please type a plus sign (+) inside this box



Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No.	48288.830001.US1
		First Inventor	Kurt SMITH et al.
		Title	BIOFEEDBACK INTERACTIVE GAMING ENVIRONMENT
		Express Mail Label No.	EV268509812US

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning design patent application contents.</i>	<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop: Patent Application Alexandria, VA 22313-1450
---	--

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original, and a duplicate for fee processing)*
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 27]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to the Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 U.S.C. 113) [Total Sheets 6]
5. ☒ Oath or Declaration [Total Pages 4]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identify of above copies

<b>ACCOMPANYING APPLICATION PARTS</b>	
9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee)	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign policy is claimed)	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input type="checkbox"/> Other: .....	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner

Group Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

Name	Brian P. Kinnear				
Address	Holland & Hart				
	555 17 <sup>th</sup> Street, Suite 3200				
City	Denver	State	Colorado	Zip Code	80202
Country	USA	Telephone	303-295-8170	Fax	303-295-8000

Name (Print/Type)	Brian P. Kinnear	Registration No. (Attorney/Agent)	43,717
Signature		Date	April 1, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

3214077\_1.DOC

19587 U.S. PTO  
10/816689



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kurt SMITH et al.

Serial No.

Filed: HEREWITH

For: BIOFEEDBACK INTERACTIVE GAMING  
ENVIRONMENT

Examiner:

Art Unit:

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the enclosed


1. Utility Patent Application Transmittal;
2. Specification, Claims and Abstract;
3. 6 Sheets of Drawings;
4. Fee Transmittal for FY 2004;
5. Declaration;
6. Assignment Recordation Cover Sheet; Assignment; and check for \$40.00;
7. Certificate of Mailing by Express Mail; and
8. Return Card,

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV268509812US with the United States Postal Service, addressed to Commissioner for Patents, Mail Stop: PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313, on this April 1, 2004

April 1, 2004

  
\_\_\_\_\_  
Mailer

April 1, 2004

  
\_\_\_\_\_  
Brian P. Kinnear, Reg. No. 43,717  
HOLLAND & HART LLP  
555-17th Street, Suite 3200  
Post Office Box 8749  
Denver, Colorado 80202  
Telephone: (303) 295-8170  
Facsimile: (303) 295-8261

17175  
U.S. PTO  
040104

# **FEE TRANSMITTAL FOR FY 2003**

Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT (\$ 666.00)

## **Complete if Known**

Application Number	
Filing Date	Herewith
First Named Inventor	Kurt SMITH et al.
Examiner Name	not yet assigned
Group Art Unit	not yet assigned
Attorney Docket No.	48288.830001.US1

## **METHOD OF PAYMENT**

☒ Check ☐ Credit card ☐ Money Order ☐ None

☒ Deposit Account

Deposit Account Number 08-2623

Deposit Account Name

The Commissioner is authorized to: (Check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001 750	2001 385	Utility filing fee	385.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 385.00)</b>

### **2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
42	-20** = 22	9.00	198.00
Independent Claims	4 - 3** = 1	43.00	43.00
Multiple Dependent			0.00

Large Entity Fee Code	Small Entity Fee Code	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$ 241.00)**

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1450	2254 725	Extension for reply within fourth month	
1255 1970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1300	2453 650	Petition to revive - unintentional	
1501 1300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 40.00)**

## **SUBMITTED BY**

Name (Print/Type)	Brian Kinnear	Registration No. (Attorney/Agent)	43,717	Telephone	303-295-8170
Signature		Date	April 1, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.  
 Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.